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UNCLAS SECTION 01 OF 03 PHNOM PENH 000273

SENSITIVE  
SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [CB](#)  
SUBJECT: CAMBODIA PRIME MINISTER HUN SEN AND MP MU SOCHUA  
TAKE TO THE COURTS

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) Summary: On April 27, opposition lawmaker Mu Sochua of the Sam Rainsy Party (SRP) filed a lawsuit against Prime Minister Hun Sen for defamation of character. The Prime Minister immediately filed countersuit against Mu and co-conspirators, also for defamation, which is a civil infraction. Some international groups have rallied to Mu Sochua's cause. Local politicians and NGO leaders have publicly stated the skirmish is political and should be removed from the courts. Hun Sen's claim that Parliament might lift Mu Sochua's immunity is a serious matter and Post will continue to reach out to government officials to urge a measured approach. End Summary.

¶2. (SBU) On April 27, a lawyer for SRP lawmaker Mu Sochua filed a lawsuit in the Phnom Penh Municipal Court against Prime Minister Hun Sen for defaming Mu Sochua's character during a speech he made on April 4 in Kampot province. Mu Sochua is claiming that Hun Sen used derogatory words to paint her as a prostitute and is thus suing for defamation of her character. The complaint requests just 500 riel (approximately 12 cents USD) in compensation and a public apology from the Prime Minister. The Prime Minister's attorney immediately filed countersuit against Mu Sochua and unnamed co-conspirators, including her lawyer, claiming that Mu Sochua's accusations are false, and were not made in a good-faith court pleading but in a public press conference. The Prime Minister's lawyer seeks 10 million riel in compensation (approximately \$2,500 USD). Defenders of the Prime Minister contend that his April 4 comments made no reference to any one individual by name. Under current law, defamation is a civil infraction involving a fine only.

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(U) Take It Out of Court  
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¶3. (SBU) Public reaction to the filings was fast and strong. Some international organizations swiftly reacted to Mu Sochua's strongest claims in her cause against the Prime Minister. But local NGO leaders have been more measured in their responses. On April 27, Kek Galabru, president of the human rights group LICADHO said, "I am sad; there should not be lawsuits. They should work together to promote women's rights. It will be a loss for the country." Thun Saray, president of the human rights group ADHOC, agreed, stating that he believed the two opponents should resolve their differences outside of the courts, since it was purely a political matter. He further stated that he doubted the courts could resolve so personal a matter. On April 28, the Executive Director for the Center for Social Development, Theary Seng, weighed in as well, saying "politicians take the court as a tool and it renders the court worthless. They should resolve their case out of the court."

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(SBU) Getting Even Deeper  
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¶4. (SBU) The battle of words between the Prime Minister and Mu Sochua "is getting even deeper," as the Khmer-language Deum Ampil daily headlined the matter on April 30. The Prime Minister has also filed suit against Kong Sam Onn, the lawyer for Mu Sochua. During an April 29 speech at the National Institute of Education, Hun Sen said, "They're saying that I look down on a particular woman - that's ridiculous." He caustically continued, "Why fight with a woman if she is dumb?" He claimed that a "woman and her lawyer" had slandered him during their press conference, and so "how could I not file a complaint when I have sufficient evidence." He later said, "Just because I didn't say anything doesn't mean I won't do anything." (NOTE: This is a well-known Khmer warning. END NOTE.)

¶5. (SBU) Since her April 24 press conference announcing her intent to file the lawsuit against Hun Sen, Mu Sochua has predicted that her parliamentary immunity would be stripped away, well before there was any cause to raise that concern. She titled her plea to some international organizations "As I Walk to Prison," claiming that "within days my parliamentary immunity will be lifted so the court can 'investigate' my case...I will be imprisoned in the notorious prison of Prey Sar for as long as the courts wish to take." Despite the fact that the defamation charge was decriminalized a few years ago and is now only a civil infraction carrying a fine, Mu Sochua has insisted that her arrest is imminent. She publicly stated that she's willing to forego her immunity in

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order to proceed with her lawsuit, affirming that she would not flee the country. But she has also stated several times that she believed if her immunity is stripped, then the immunity for Hun Sen must also be lifted.

¶6. (SBU) On April 29, the Prime Minister finally took the bait, lashing out at unnamed opponents and raising the still irrelevant immunity issue. Without giving the context, the Prime Minister announced that stripping the immunity of other MPs would be "as easy as peeling a boiled banana." In the same speech, Hun Sen stated that he was prepared for the court to request to the Ministry of Justice that Parliament consider lifting his own immunity. Parliamentary action would require a two-thirds majority vote by the National Assembly, and the CPP holds 90 seats in the 123-seat body. But the Prime Minister continued, "I believe that not one of the CPP-members of the Parliament will lift a hand in a vote to strip my immunity." Mu Sochua's colleague, SRP Parliamentarian Son Chhay, who confirmed his own participation in civil suits without the lifting of his immunity, told Poloff he was mystified by Hun Sen's remarks. (NOTE: This case is different from Sam Rainsy's last year. Then, Rainsy deliberately refused to pay a fine, which became a criminal matter, thus subjecting him to the lifting of his immunity. END NOTE.)

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(SBU) What Did Hun Sen Say?  
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¶7. (U) On April 4, PM Hun Sen delivered a Khmer-language speech in Kampot province, during which he lashed out at a woman from Kampot province. (SRP opposition Parliamentarian Mu Sochua is one of two female MP's from Kampot; the other is H.E. Som Kim Suor, CPP Minister of National Assembly-Senate Relations Inspection.) Here's what PM Hun Sen said:

"...The opposition group (party) does nothing except use people as their tools for attacking the government. In Kampot, there is a 'strong-legs' (person) who is a woman.

"I don't need to disclose her name because there are women like Som Kim Suor also.

"A really 'strong-legs' person...(pause)

"That strong person is not strong at doing anything, except she is strong at engaging in disputes and inciting trouble. Even in the election campaign, she embraced someone, but said someone took off her (shirt) buttons."

(NOTE: The phrase "strong legs" is a Khmer compliment to soccer players and a familiar compliment among friends who are viewed as competent or courageous. However, it can also be a slur referring to crafty, powerful enemies and in some contexts to street women, hustlers, and prostitutes. END NOTE.)

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What Did Mu Sochua Do?  
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¶8. (SBU) Early in the July 2008 election campaign Mu Sochua spotted a parked government vehicle with a CPP logo which had not yet entered a campaign parade. She stood in front of the vehicle, grabbing the front fender, in an effort to block the car's departure before TV cameras could arrive. (There are still photos of the event.) When she refused to let the licensed vehicle lawfully depart, an occupant tried to remove her from in front of the vehicle; in the ensuing scuffle Mu Sochua's blouse came partially undone. (Mu Sochua's version of events omits the portion where she was deliberately hampering the free movement of the vehicle.) Ironically, her actions allowed that particular car to retreat and not join the campaign. A daily State Television show covering the election campaign aired the story with the still photos. (COMMENT: The widely broadcast story probably resulted in many government resources being removed from the campaign. END COMMENT.)

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What Does the Law Say?  
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¶9. (SBU) The United Nations Transitional Authority in Cambodia (UNTAC) Penal Code contains Articles permitting charges for both defamation and disinformation. Article 63, on defamation, specifies that "any bad faith allegation or imputation of a given fact which harms the honor or reputation of an individual is defamation." The Article further states that an allegation, "even if it refers to a person who is not explicitly named but whose identity is made

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evident from the defamatory speech..." is punishable under the Article. (COMMENT: The CPP had previously used both the defamation and disinformation (Article 62) charges against political and media opposition. END COMMENT.) In April 2006, under international and local pressure, the RGC removed the prison penalties for defamation convictions; however, under the decriminalized law, an infraction may carry a monetary fine, which if not paid, can result in prison time.

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Comment  
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¶10. (SBU) Despite Mu Sochua's claims, and those by some international organizations, we have no reason to believe that she is facing arrest. The dispute is patently a civil case. There is no reason in a civil case to strip her of her parliamentary immunity. NGO statements are speculating on "what if." That said, we cannot rule out precipitous action. The Prime Minister is obviously angry about Mu Sochua's continued campaign against him. However, in his extemporaneous remarks, it's often hard to separate Hun Sen's real intent from the words he uses on the spur of the moment.

¶11. (SBU) Hun Sen's claim that Parliament might lift Mu Sochua's immunity is a serious matter Post will continue to follow closely. The Ambassador is initiating contact with Mu

Sochua. In the meantime, DCM will be speaking to Minister of Information Khieu Khanharith and Pol/Ec Chief is in touch with aides in the Prime Minister's office to urge a measured approach to an issue that doesn't need to be in the courts. We will repeat that message to other government contacts as the occasion arises. End Comment.  
RODLEY